

Privacy Policy

Last updated: 27 December 2019

Fluidly Limited (“we”, “our”, “us”) is committed to privacy compliance and to earning the trust of our users (“you”, “your”) who are made up of users who come to us directly, or via our accountant partners, as either a staff user or an indirect customer.

To earn that trust, we aim to be transparent and ensure you understand our privacy practices. This policy (together with our Terms of Service) set out the basis on which your personal data is collected and used in connection with your (or your accounting service provider’s (our “Accountant Partners”)) use of Fluidly services.

Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

Contents

1. Who we are, and our relationship with our Accountant Partners;
2. The information we collect;
3. How we use your personal information;
4. Marketing communications;
5. Where we store your personal information;
6. Third parties and disclosures of your data;
7. How we send information outside of your country;
8. Your rights;
9. Security of information;
10. How long do we keep your personal information;
11. Changes to our privacy policy;
12. Contact.

1. WHO WE ARE, AND OUR RELATIONSHIP WITH OUR ACCOUNTANT PARTNERS

We are a provider of cashflow forecasting and management services. We work with our users:

- **directly**, when they sign up on our website, or when they sign up to our Terms of Service as part of their accounting software package; and
- **indirectly**, when our software is purchased by our Accountant Partners for your benefit.

We will be the party responsible for making decisions about how your personal information is processed (the “controller”) when **(i.)** you have access to the Fluidly platform, and we are providing you with services directly; or **(ii.)** if we contact you about our services as a prospective customer (see Marketing below). In each case, your personal information will be processed in accordance with this policy.

Where you are a customer of our Accountant Partners, and where they, with your agreement, have authorised our processing of your personal information in connection with their use of our services (which includes our preparation of aggregate level insights), they will be the

party responsible for processing your personal information. In which case it will be processed in accordance with their privacy notice – please see your accounting service provider’s website for further information.

2. THE INFORMATION WE COLLECT

In order to provide our services or information about our services

We may collect, use, store and transfer different kinds of personal data about you in connection with your direct and indirect use of our services.

Personal data means any information about a living individual from which that person can be identified. Generally speaking, we will collect the following categories of information in connection with your use or your Accountant Partner’s use of our services:

- **Account and contact details:** When you create an account, or sign up to our Terms of Service you provide us with at least your login credentials, as well as some basic details necessary for the service to work, such as your name and email address. We will also collect additional information in connection with finance applications you make on the platform such as your home address, and date of birth;
- **Information relating to your finances:** our service involves analysis of your transaction data from your accounting system. It includes information relating to your financial and credit card (“**Financial Data**”) as well as information in respect of your invoices, invoicing procedures and customers (“**Invoice Data**”);
- **Customer service:** If you contact our customer service team, we collect the information you give us during the interaction. Sometimes, we monitor or record these interactions for training purposes and to ensure a high quality of service.
- **Marketing and communications data:** including your preferences in receiving marketing material from us and our third parties and your communication preferences.

Other information collected when you use our website and services

With regard to each of your visits to our site we will automatically collect the following information:

- **Technical information,** including the Internet protocol (IP) address used to connect your computer to the Internet, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform (“**Technical Data**”);
- **Information about your visit,** including the full Uniform Resource Locators (URL), clickstream to, through and from our site (including date and time), page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), methods

used to browse away from the page, and any phone number used to call our customer service number (“**Usage Data**”).

Information we receive from others

In addition to the information provided to us by our users, we may also receive information about you from others, including:

- **Billing details:** When you purchase or subscribe to our services, you will provide our payment service providers with information, such as your debit or credit card number or other financial information. This information is collected on our behalf but we do not receive your payment information;
- **Accountant Partners** – our Accountant Partners may provide information about you. For instance, if your accounting service provider integrates or uses our software, we will receive your Financial and Invoice Data. Your service provider may, in accordance with your marketing preferences, share your identity and contact details with us for marketing purposes;
- **End Customer details** – By granting us access to their Transaction and Invoice data, we may receive third party personal data relating to counterparties to those transactions. We only process this data in connection with the delivery of our services, and the development of aggregate level insights.
- **Other partners** - We may receive identity and contact information about you from our partners, for example in connection with the purchase of marketing lists.

Aggregated Information

The service we provide is dependent on collecting as much information about cash management as we can. This means we may use information that we receive from you in providing the services, including information on payment terms, late payments account manager contact details and cash collection, to allow us to make cash flow predictions or assist with providing or improving the services for the benefit of all clients. From time to time, we may also share anonymized and aggregated information about users of our services and information collected from providing those services, such as by publishing a report or providing information to our business partners on trends in cash collection, debtors and demographic of users.

Cookies

Our site uses cookies and similar technologies to distinguish you from other users of our site. This helps us to provide you with a good experience when you browse our site and also allows us to improve our site.

Please see our [Cookie Policy](#) for more information on why we use them and how you can better control their use, through your browser settings and other tools.

Automated processing

We may use the information you provide to decide your eligibility for third party products. This type of activity is known as “profiling” – as we use automated means to process your personal data to inform which products may be relevant to your needs. You may object to profiling (see section 8 below).

3. HOW WE USE YOUR PERSONAL INFORMATION

We will only use your personal data when the law allows us to. We have set out below a description of all the ways we plan to use your personal data, and what our legal bases are for doing so.

We may process your personal data for more than one legal basis depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground, we are relying on to process your personal data where more than one has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing
To register you as a new customer or for your free trial of our services	<ul style="list-style-type: none"> ● Identity and Contact Data ● Financial Data 	To take all necessary steps prior to entering into a contract with you
To provide our products and/or services to you	<ul style="list-style-type: none"> ● Identity and Contact Data ● Financial Invoice Data 	Performing a contract that we have with you
To manage our relationship with you, including: <ul style="list-style-type: none"> ● Sending you service communications about your account or our relationship with you; ● Notifying you about our site and products or services and of changes in our terms or privacy notice; and ● Responding to any communications or complaints you send to us 	Identity and Contact Data	<ul style="list-style-type: none"> ● Performing a contract that we have with you; ● Complying with our legal obligations; ● Our legitimate business interests (keeping our records up-to-date, studying how customers use our products/services)
To administer and protect our business and our site (including troubleshooting, data analysis, testing,	<ul style="list-style-type: none"> ● Identity and Contact Data ● Technical Data 	<ul style="list-style-type: none"> ● Our legitimate business interests (running our business, providing admin and IT services

system maintenance, support, reporting and hosting data)		<p>network security, preventing fraud or for a business reorganisation or group restructuring);</p> <ul style="list-style-type: none"> • Complying with our legal obligations
To use data analytics to improve our site, products and services, marketing, customer relationships and experiences	<ul style="list-style-type: none"> • Technical Data • Usage Data 	<ul style="list-style-type: none"> • Our legitimate business interests (to define types of customers for our products and services, to keep our site updated and relevant, to develop our business and to inform our marketing strategy)
To prepare anonymised and aggregated insights about users of our services and information collected from providing those services, such as by publishing a report or providing information to our business partners on trends in cash collection, debtors and demographic of users.	<ul style="list-style-type: none"> • The categories listed in section 2 above 	<ul style="list-style-type: none"> • Our legitimate business interests (to develop aggregate level insights about the use of our services, and ongoing trends such as cash collection, debtors and demographic of users)
To make decisions about what products and/or services (including those of other companies) we think may be of interest to you and sending you tailored email marketing	<ul style="list-style-type: none"> • Identity and Contact Data • Financial and Invoice data 	<ul style="list-style-type: none"> • Our legitimate business interests (developing our products/services, growing our business) – where we send you marketing messages, you can always tell us if you no longer want to receive them by contacting us at info@fluidly.com; • Your consent, which you can withdraw at any time via the link in the email, or by contacting us at info@fluidly.com;
To share information with our third-party partners that may be interested in contacting you with information about their products and/or services (in	<ul style="list-style-type: none"> • Identity and Contact Data 	<ul style="list-style-type: none"> • Your consent, which you can withdraw at any time by contacting us at info@fluidly.com;

accordance with section 5 of this Policy).		
For internal management, administrative and organisational reasons - in the event that we: (i) are subject to negotiations for the sale of our business; (ii) are sold to a third party; or (iii) undergo a re-organisation, we may need to transfer some or all of your personal data to the relevant third party (or its advisors) as part of any due diligence process for the purpose of analysing any proposed sale or re-organisation.	<ul style="list-style-type: none"> The categories listed in section 2 above 	<ul style="list-style-type: none"> Our legitimate interests (to allow us to change our business)
To prevent, detect and fight fraud or other illegal or unauthorized activities.	<ul style="list-style-type: none"> The categories listed in section 2 above 	<ul style="list-style-type: none"> Our legitimate interests (to protect our reputation as a provider of financial services) Complying with our legal obligations In connection with legal claims
To ensure legal compliance and to comply with legal requirements, assist law enforcement and enforce or exercise our rights, for example our Terms and conditions.	<ul style="list-style-type: none"> The categories listed in section 2 above 	<ul style="list-style-type: none"> Complying with our legal obligations In connection with legal claims Our legitimate interests (to cooperate with law enforcement and regulatory authorities)

4. **MARKETING COMMUNICATIONS**

We may use your personal data to provide you with information about Fluidly products and/or services that we consider may be of interest to you. Where we send email marketing:

- we will obtain your express consent prior to sending you email marketing (where legally required to do so); or
- if you are
 - a business customer (including, a director, officer or employee of the organisation); or
 - have previously purchased products and/or services from us;

we will assume you are happy to receive relevant marketing communications unless you have previously opted out of such communications.

We may also use your personal data to provide you with information about products and services from our partners and other relevant third parties which we consider may be of interest to you (based on our analysis of your business account(s)). We will only share your personal data with those partners on the basis of your consent. We will never sell your personal data to third parties for the purposes of marketing.

You can opt out of receiving email marketing from us by clicking the unsubscribe button at the bottom of any marketing email you receive from us. Alternatively, you can email us at info@fluidly.com

Methods of communication

We may contact you for the purposes described in this privacy policy by email, direct mail, SMS, push notification or other communication methods depending on both the information and consents you provide to us.

5. THIRD PARTIES AND DISCLOSURES OF YOUR DATA

We may share your information with:

- **Affiliates.** Our subsidiaries and parent company and businesses, and other affiliated legal entities and businesses with whom we are under common corporate control. We shall ensure that all of our parent, subsidiary, and affiliated legal entities and businesses that receive your information from us will comply with the terms of this privacy policy.
- **Third-Party Service Providers.** Who help us operate and improve our services. These third parties assist us with various tasks, including personal information hosting and maintenance, analytics, customer care, marketing, advertising, payment processing and security operations.
- **Third Party purchaser.** In the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets.
- **Our Third-Party Partners.** We may, if you have consented to our doing so, also share your information with our trusted third-party partners that may be interested in contacting you with information about their products and/or services which may be of interest to you. You may request that we cease contacting you at any time for marketing purposes. To exercise this right please amend your contact preferences on our site. You can also contact us using the information provided in section 12 below.

A list of these third parties is available on request.

We may also share your information:

- **When required by law:** We may disclose your personal information if reasonably necessary: (i) to comply with a legal process, such as a court

order, subpoena or search warrant, government / law enforcement investigation or other legal requirements; (ii) to assist in the prevention or detection of crime (subject in each case to applicable law); or (iii) to protect the safety of any person.

- **To enforce legal rights:** (i) if disclosure would mitigate our liability in an actual or threatened lawsuit; (ii) as necessary to protect our legal rights and legal rights of our users, business partners or other interested parties; (iii) to enforce our agreements with you; and (iv) to investigate, prevent, or take other action regarding illegal activity, suspected fraud or other wrongdoing.
- **With your consent or at your request:** We may ask for your consent to share your personal information with third parties. In any such case, we will make it clear why we want to share the information.
- To third parties on an aggregated (anonymised basis): see Aggregated Information in section 2 above.

6. WHERE WE STORE YOUR PERSONAL INFORMATION

The data that we collect from you will be transferred to, and stored at, a destination inside the United Kingdom ("UK") or the European Economic Area ("EEA") in accordance with applicable data protection legislation in such territories. It will also be processed by staff operating inside the UK or the EEA who work for us or for one of our suppliers. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this privacy policy.

7. HOW WE SEND INFORMATION OUTSIDE OF YOUR COUNTRY

When we send your personal information outside of your country, we have in place adequate safeguards to do so. This includes EU standard contract clauses approved by the European Commission or other suitable safeguard to permit personal information transfers from the UK or the European Economic Area ("EEA") to other countries.

Please get in touch with us if you would like more information about these safeguards.

8. YOUR RIGHTS

In certain circumstances, for example if you are an EEA resident, you may exercise the rights available to you under applicable data protection laws as follows:

- If you wish to **access, correct, update or request deletion** of your personal information.
- You can **object** to processing of your personal information and to our processing of your data by solely automated means, ask us to restrict processing of your personal information or request portability of your personal information.
- If we have collected and process your personal information with your consent, then you can **withdraw your consent** at any time. This may mean your

access to certain services is restricted or denied as a result. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent.

- You have the right to **complain to a data protection authority** about our collection and use of your personal information. For more information, please contact your local data protection authority.

You can exercise your rights at any time by contacting us using the contact details below.

We respond to all requests we receive from users in accordance with applicable data protection laws. We may ask you to provide proof of identity before we can answer the above requests. In some cases, we may reject requests for certain reasons (for example, if the request is unlawful or if it may infringe on trade secrets or intellectual property or the privacy of another user).

9. SECURITY OF INFORMATION

All information you provide to us is stored on our secure servers. Any payment transactions will be encrypted in accordance with industry best practice. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our site, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

10. HOW LONG DO WE KEEP YOUR PERSONAL INFORMATION?

Your personal information will be stored in accordance with applicable laws and kept for as long as needed to carry out the purposes described in this Privacy Notice or as otherwise required by applicable law.

We do keep certain transactional records for more extended periods if we need to do this to meet legal, regulatory, tax or accounting needs. For instance, we are required to retain an accurate record of our dealings with our clients, this allows us to respond to any complaints or challenges you or others might raise later. We will also retain files if we reasonably believe there is a prospect of litigation.

11. CHANGES TO OUR PRIVACY POLICY

Any changes we make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by email. Please check back frequently to see any updates or changes to our privacy policy.

12. CONTACT

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to our data protection officer at info@fluidly.com

